

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MARYELLEN DELPLATO,

Plaintiff,

v.

DECISION AND ORDER

SONJA GONYEA and
UNITED MEMORIAL MEDICAL CENTER,

05-CV-881S(Sr)

Defendants.

1. Plaintiff commenced this action on December 19, 2005, alleging that Defendants discriminated against her based on her gender and disability, and discharged her in retaliation for filing a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC"), all in violation of Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), and the Americans with Disabilities Act of 1990, as amended ("ADA"). Compl. ¶¶ 2, 10, 13, 14. Defendant Gonyea moved for Summary Judgment seeking dismissal of all claims alleged against her. (Docket No. 25.)

2. The Court referred this matter to the Honorable H. Kenneth Schroeder, Jr., United States Magistrate Judge, to hear and report upon Defendant Gonyea's motion and issue a Report and Recommendation for the consideration of the District Judge pursuant to 28 U.S.C. § 636(b)(1)(B). Plaintiff Del Plato subsequently moved to strike her opposition to Defendant Gonyea's motion. (Docket No. 34.)

3. In a Report and Recommendation dated February 12, 2008, Judge Schroeder recommended that both motions be granted.

4. No objections to the Report and Recommendation were received within ten

(10) days from the date of its service, in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 72.3(a)(3).

5. The Court has carefully reviewed Judge Schroeder's February 12, 2008 Report and Recommendation as well as the pleadings and materials submitted by the parties in connection with the referred motions.

IT HEREBY IS ORDERED, that this Court accepts Judge Schroeder's February 12, 2008 Report and Recommendation (Docket No. 36) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that Defendant Gonyea's Motion for Summary Judgment (Docket No. 25) is GRANTED.

FURTHER, that Plaintiff Del Plato's Motion to Strike (Docket No. 34) is GRANTED.

FURTHER, that the Clerk of the Court is directed to terminate Sonja Gonyea as a Defendant to this action.

SO ORDERED.

Dated: February 27, 2008
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge